

United States District Court
Southern District of Texas

ENTERED

December 07, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KIRSTEN TUBBS, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. 4:21-CV-2908
§
HACH COMPANY, §
§
Defendant. §

ORDER

Before the Court are United States Magistrate Judge Yvonne Y. Ho's Memorandum and Recommendation filed on November 7, 2022 (Doc. #15) and Plaintiff Kirsten Tubbs' Objections (Doc. #16). The Magistrate Judge's findings and conclusions are reviewed de novo. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Having reviewed the parties' arguments and applicable legal authority, the Court adopts the Memorandum and Recommendation as its Order.

The Court therefore finds that Plaintiff fails to raise a genuine dispute of material fact concerning her design defect and manufacturing defect claims. Accordingly, Defendant Hach Company's request to strike Plaintiff Kirsten Tubbs' affidavit (Doc. #13) is DENIED as MOOT and Motion for Summary Judgment (Doc. #10) is GRANTED.

It is so ORDERED.

DEC 06 2022

Date

The Honorable Alfred H. Bennett
United States District Judge

